

# Amendment 34

## to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(Atlantic king mackerel catch levels and Atlantic king  
and Spanish mackerel management measures)

Public Hearing Summary

November 2021



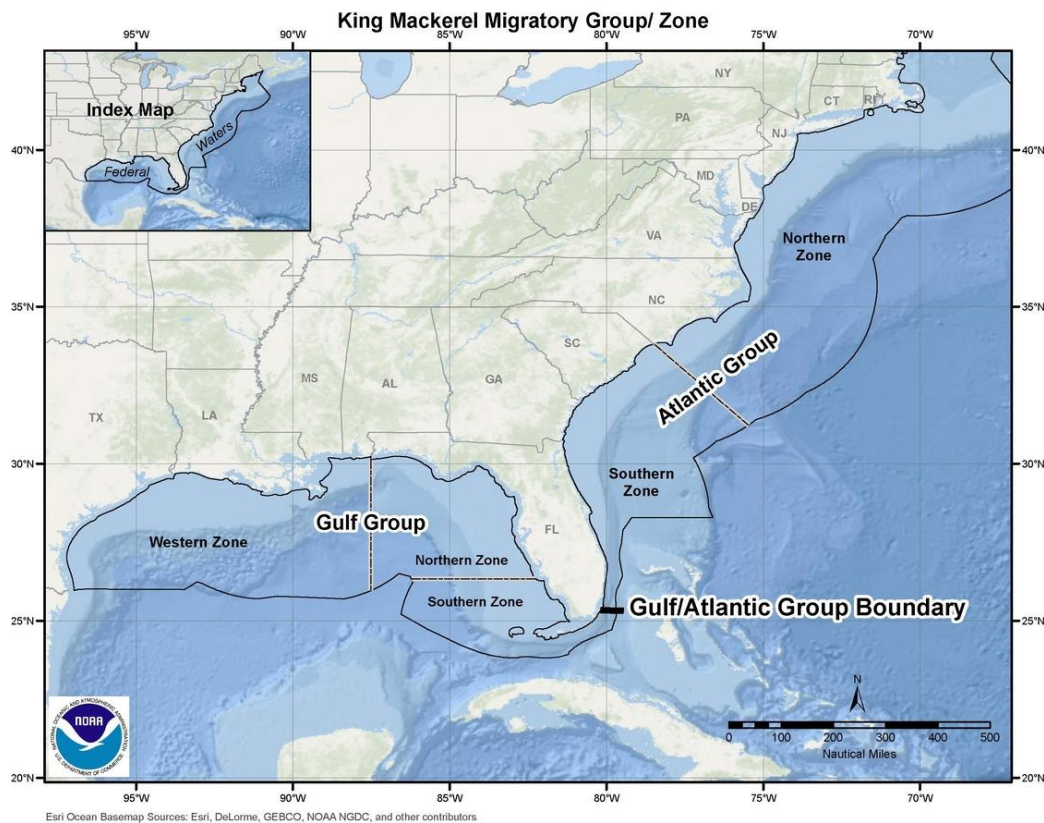
Amendment 34 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (Amendment 34) addresses modifications to the Atlantic migratory group king mackerel catch levels and Atlantic migratory group king mackerel and Spanish mackerel management measures.

Written comments to be included in the December 2021 South Atlantic Fishery Management Council meeting briefing book on Amendment 34 will be accepted until 5:00 p.m. on November 17, 2021. Comments may be submitted in writing at the South Atlantic Fishery Management Council address at the end of this document. Comments may also be submitted via fax (843-769-4520) with the subject "CMP 34 Public Hearing" or online using the public comment form that can be found by clicking [HERE](#).

## Background

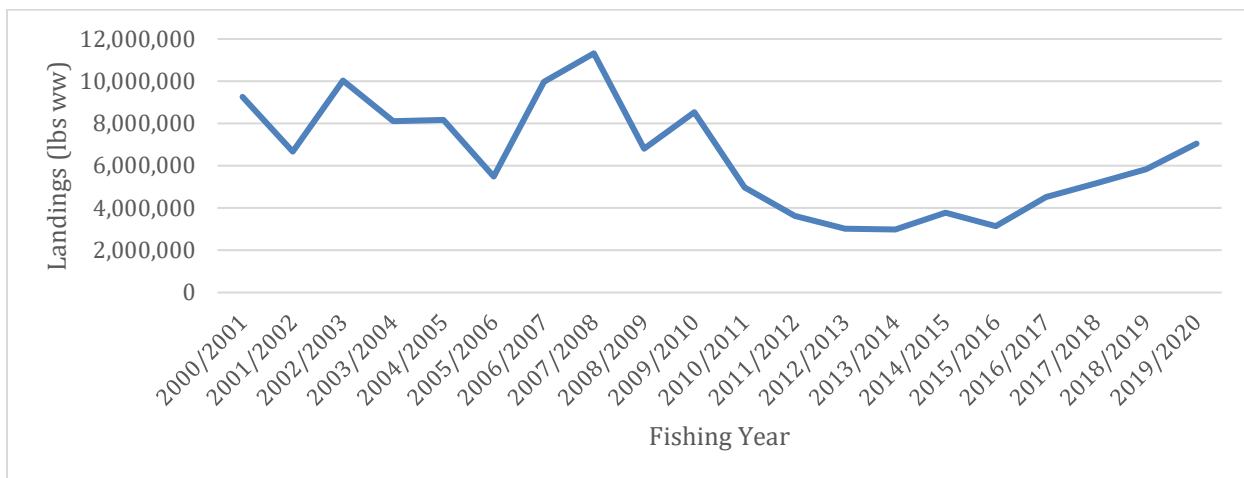
King mackerel are managed jointly by the South Atlantic Fishery Management Council (South Atlantic Council) and the Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council) (together: “Councils”) under the Fishery Management Plan (FMP) for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP). Two migratory groups of king mackerels are managed in the southeastern US: the Atlantic migratory group (Atlantic king mackerel) and the Gulf migratory group (Gulf king mackerel).

The two migratory groups were historically thought to mix seasonally off the east coast of Florida and in Monroe County, Florida. However, in 2014, a stock assessment was completed for Gulf and Atlantic king mackerel (SEDAR 38). Based on the research highlighted in the assessment, the assessment scientists determined that the mixing zone was substantially smaller than originally thought and is the portion of the exclusive economic zone (EEZ) off Monroe County, Florida, south of the Florida Keys. In response to the assessment, through Amendment 26 to the CMP FMP, the Councils established a year-round jurisdictional management boundary between the two Councils at the Dade/Monroe County, Florida, boundary, which puts the entire EEZ off the Keys in the Gulf Council’s jurisdiction as part of the Gulf king mackerel Southern Zone. The jurisdictional management boundary between the two Councils for Spanish mackerel is also at the Dade/Monroe County, Florida, boundary. Amendment 34 to the CMP FMP addresses catch levels and management measures for Atlantic king and Spanish mackerel only.

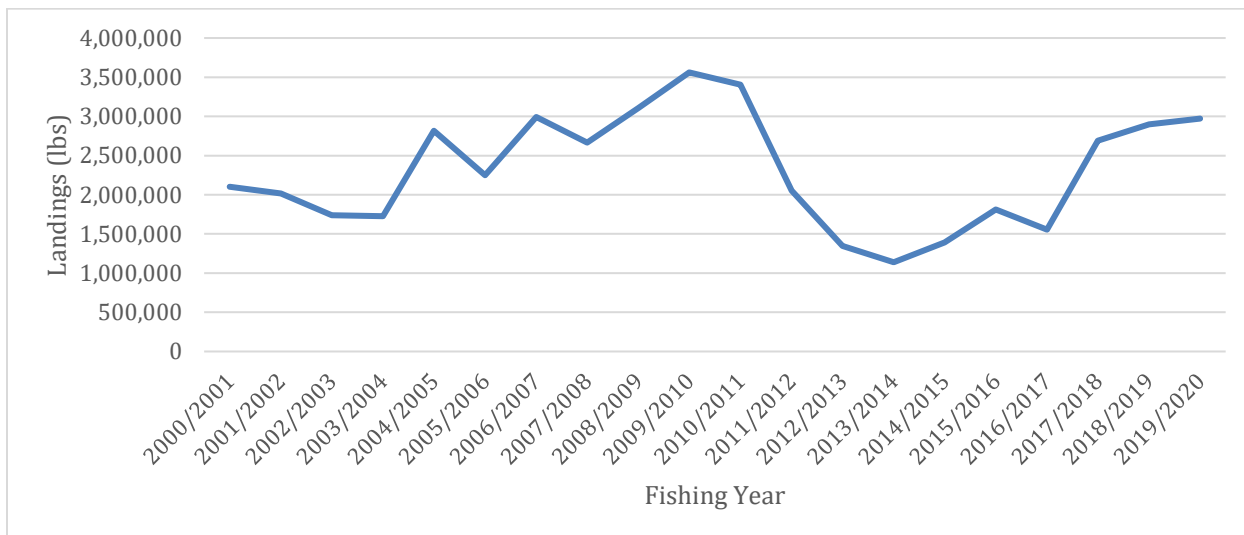


**Figure 1.** King mackerel migratory groups under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.

Prior to the implementation of Amendment 26, the management boundary between the Gulf and Atlantic migratory groups of king mackerel shifted between the summer (April 1 – October 31) and winter (November 1 – March 31) seasons. During the winter season the east coast of Florida from the Volusia/Flagler County boundary to the Miami-Dade/Monroe County boundary (known as the east coast subzone) was considered part of Gulf migratory group king mackerel. Amendment 26 also established a single year-round boundary for separating the Gulf and Atlantic migratory groups of king mackerel at the Miami-Dade/Monroe County, Florida, boundary. There have been no closures for the recreational sector of Atlantic king mackerel since prior to the year 2000. Additionally, there have been no closures to the commercial sector for Atlantic migratory group king mackerel since prior to the year 2000. However, when the east coast of Florida (east coast subzone) was considered part of the Gulf migratory group king mackerel, it did experience early closures during the 2007/2008, 2008/2009, 2009/2010, 2010/2011, and 2011/2012 seasons.



**Figure 2.** Atlantic king mackerel recreational landings for the 2000-2001 through 2019-2020 fishing years. Source: MRIP\_FES\_rec81\_20wv6\_02Mar21w2014to2020LAcreeL.xlsx



**Figure 3.** Atlantic king mackerel commercial landings for the 2000-2001 through 2019-2020 fishing years. Sources: Commercial landings from 2000 to 2013 are from ACL\_FILES\_100920.xlsm; and commercial landings from 2014 to 2020 are from WH\_ACLs\_2014-2020\_05APR2021workingcopy.xlsx

## Why are the Councils Considering Action?

An update to SEDAR 38 was completed in April 2020 (SEDAR 38 Update 2020) and indicated, consistent with the original stock status determined by SEDAR 38, that Atlantic migratory group king mackerel (Atlantic king mackerel) was not overfished or undergoing overfishing. Additionally, recreational and commercial landings and catch per unit effort all showed an increasing trend. Based on the results of SEDAR 38 update, the Scientific and Statistical Committee (SSC) has made new Atlantic king mackerel catch level recommendations for the Councils to consider (**Table 1**). The assessment and SSC catch level recommendations incorporate revised recreational catch estimates based on the new Marine Recreational Information Program (MRIP) survey design.

**Table 1.** South Atlantic SSC recommendations for acceptable biological catch for Atlantic migratory group king mackerel, using data resultant from SEDAR 38 update (2020).

Year	OFL Recommendations (lbs)	ABC Recommendations (lbs)
2022/2023	33,900,000	32,800,000
2023/2024	29,400,000	28,400,000
2024/2025	26,300,000	25,400,000
2025/2026	24,200,000	23,300,000
2026/2027+	22,800,000	21,800,000

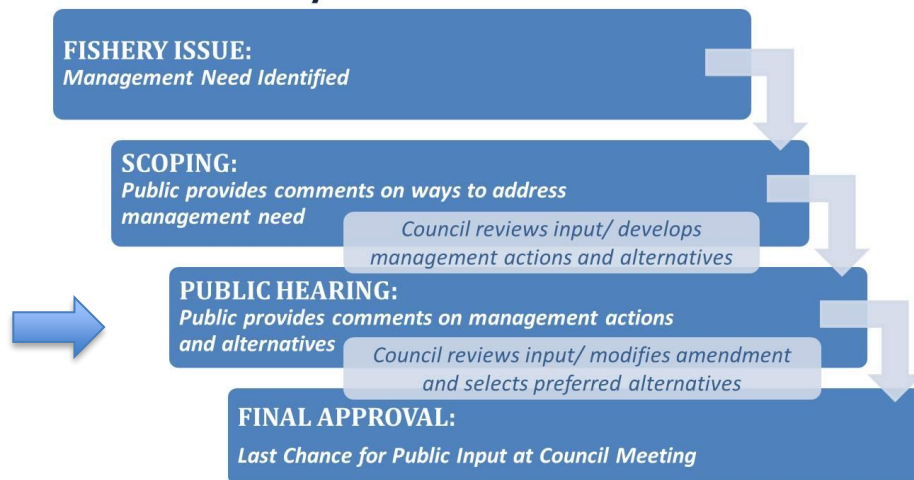
The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer Fishing Effort Survey (FES) method, which is considered more reliable and robust compared to the Coastal Household Telephone Survey (CHTS) method. As a result of the change in methodology, the Councils are considering revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector. Current sector allocations are based on landings from 1979 through 1983.

The Councils are also considering action to modify management measures for Atlantic king and Spanish mackerel based on input from the South Atlantic Council's Mackerel Cobia Advisory Panel (AP). The recreational bag limit off the east coast of Florida is two fish per person, while the rest of the Gulf, South Atlantic, and Mid-Atlantic region has a bag limit of three fish per person. The AP has requested the South Atlantic Council consider raising the bag limit in federal waters off the east coast of Florida to allow all fishermen the same opportunity to harvest king mackerel. The AP also suggested the Councils consider decreasing the minimum size limit for Atlantic king mackerel because many smaller king mackerel are often caught when fishing recreationally for other species, such as Spanish mackerel, and are released as dead discards. Finally, commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the Councils consider a similar provision for the recreational sector.

## Where are we in the amendment development process?

Based on the updated stock assessment and feedback received from stakeholders, proposed actions and alternatives were developed to address catch levels for Atlantic king mackerel and management measures for Atlantic king and Spanish mackerel. The Councils have reviewed analyses on the biological, economic, and social effects of the proposed actions and alternatives. Public hearings are being held in order to collect more feedback from stakeholders on the current alternatives or suggestions for additional alternatives. In addition to these public hearings, a public comment session is always held during the week of the Council meeting to address any amendments under development.

### Council Process – *FMP/Plan Amendment*



**Note:** Public comment prior to final approval of the amendment is the last opportunity for public input during the Council amendment development process. However, additional public input is accepted during the federal review process after the Council has submitted the document for Secretarial Review.

## Tentative Timing for CMP Amendment 34

	<b>Process Step</b>	<b>Date</b>
✓	South Atlantic Council directs staff to start work on an amendment.	June 2020
✓	Mackerel Cobia Advisory Panel reviews assessment and makes recommendations for actions to include in amendment.	November 2020
✓	South Atlantic Council reviews options paper and approves amendment for scoping.	December 2020
✓	South Atlantic Council reviews scoping comments and approves action/alternatives to be analyzed.	March 2021
✓	Gulf Mackerel Cobia Advisory Panel reviews amendment	March 2021
✓	South Atlantic Mackerel Cobia Advisory Panel reviews amendment	Spring 2021
✓	South Atlantic Council reviews draft amendment, selects preferred alternatives.	June 2021
✓	Gulf Council reviews document and provides direction to staff.	June 2021
✓	South Atlantic Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	September 2021
✓	Gulf Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	October 2021
	<b>Public Hearings</b>	<b>Fall 2021</b>
	South Atlantic Council reviews the draft amendment, modifies the document as necessary.	December 2021
	Gulf Council reviews the draft amendment, modifies the document as necessary.	January 2022
	South Atlantic Council approves for formal review.	March 2022
	Gulf Council approves for formal review.	April 2022
	CMP Amendment 34 transmitted for Secretarial Review.	Spring 2022

**Opportunities to provide public comment in-person include South Atlantic Council meetings, Gulf Council meetings, and public hearings. There will also be opportunities to submit written comments via the online comment form throughout the process.**

## Purpose and need statement

The *purpose* of this amendment is to revise the annual catch limits and annual optimum yield for Atlantic migratory group king mackerel; to revise recreational and commercial allocations for Atlantic migratory group king mackerel; and to revise or establish management measures for Atlantic migratory group king and Spanish mackerel.

The *need* for this amendment is to ensure annual catch limits are based on the best scientific information available and to ensure overfishing does not occur in the Atlantic migratory group king and Spanish mackerel fisheries, while increasing social and economic benefits through sustainable and profitable harvest of Atlantic migratory group king and Spanish mackerel.

## Proposed Actions and Alternatives

### **Action 1. Revise the total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.**

**Purpose of Action:** update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

**Alternative 1 (No Action).** The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is set equal to the current acceptable biological catch level (12,700,000 pounds). The current acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program's Coastal Household Telephone Survey.

**Alternative 2.** The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to the updated acceptable biological catch level. The updated acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program's Fishing Effort Survey.

**South Atlantic and Gulf Council Preferred Alternative 3.** The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 95% of the updated acceptable biological catch level. The updated acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program's Fishing Effort Survey.

**Alternative 4.** The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 90% of the updated acceptable biological catch level. The updated acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program's Fishing Effort Survey.

**Alternative 5.** The total annual catch limit and annual optimum yield of Atlantic migratory group king mackerel is equal to the updated acceptable biological catch level of 21,800,000 pounds. This is a constant catch value for 2022/2023 and subsequent fishing years or until changed by a future management action.

### **Discussion:**

- The update to SEDAR 38 was completed in April 2020 and included assessments for Gulf and Atlantic king mackerel. The SSC reviewed the results and provided new values for the acceptable biological catch (ABC) for Atlantic king mackerel.
  - The South Atlantic Council may consider setting the Atlantic king mackerel total annual catch limits (ACL) at the same level as the ABCs recommended by the SSC (**Alternative 2**), including a buffer between the two values (**Alternatives 3-4; Table 2**), or setting a constant catch level at or below the recommended ABC value provided by the SSC for each fishing year (**Alternative 5**).



- **Alternative 1 (No Action)** is not a viable alternative because it would retain the current total ACL for Atlantic king mackerel (equal to the current ABC), which is based on the 2014 SEDAR 38 assessment, and therefore would no longer be based on the BSIA.

**Table 2.** Annual Catch Limit levels based on revised MRIP estimates for Atlantic migratory group king mackerel under **Action 1** proposed alternatives.

Fishing Year	Annual Catch Limits (lbs.)				
	Alternative 1 (No Action)	Alternative 2 (ACL=ABC)	Preferred Alternative 3 (ACL=95% ABC)	Alternative 4 (ACL=90% ABC)	Alternative 5 (Constant Catch)
2021/22	Not BSIA, not a viable alternative.	33,300,000	<b>31,635,000</b>	29,970,000	21,800,000
2022/23		28,500,000	<b>27,075,000</b>	25,650,000	21,800,000
2023/24		25,400,000	<b>24,130,000</b>	22,860,000	21,800,000
2024/25		23,300,000	<b>22,135,000</b>	20,970,000	21,800,000
2025/26+		21,800,000	<b>20,710,000</b>	19,620,000	21,800,000

**Note:** The current ABC is 12,700,00 pounds. However, previous ABCs and ACLs and the proposed ABCs are not directly comparable because the updated assessment includes changes in the recreational catch estimates based on new methodology used in the Marine Recreational Information Program (MRIP).

## Environmental Consequences:

### Biological Effects

- **Alternative 1 (No Action)** is not a viable alternative because it would retain the current total ACL for Atlantic king mackerel (equal to the current ABC), which is based on the 2014 SEDAR 38 assessment, and therefore would no longer be based on the BSIA.
- Revising Atlantic king mackerel catch levels as proposed in **Alternatives 2, Preferred Alternative 3, Alternative 4, and Alternative 5** would not be expected to result in negative biological impacts to the stock since overall catch would be constrained to the ACL, and accountability measures (AM) would prevent the ACL and overfishing limit (OFL) from being exceeded.
- **Preferred Alternative 3** and **Alternative 4** would have a greater long-term positive biological effect to the stock than **Alternative 2** because they would create a buffer between the ABC, annual optimum yield (OY) and total ACL. **Alternative 5** would set the total ACL to the lowest value under **Alternative 2** where the ACL equals the ABC. Therefore, **Alternative 5** is the most conservative alternative under Action 1.

### Economic Effects

- The potential revised total ACLs for Atlantic king mackerel in **Alternative 2** through **Alternative 5** are all higher than the observed landings in recent years. Based on the average landings over the most recent five years of available data (2015/16-2019/20), landings would be expected to continue to be below the existing and potential new ACLs and thus the ACLs are not constraining on harvest or fishing activity. As a result, no direct economic effects are anticipated from **Alternative 2** through **Alternative 5** in the short-term.

- A larger buffer between the ACL and observed landings would allow for higher potential landings and reduce the likelihood of restrictive AMs being triggered that would lead to short-term negative economic effects.

#### Social Effects

- In general, a higher ACL would lower the chance of triggering a recreational or commercial AM and result in the lowest level of negative effects on the recreational and commercial sectors. Additionally, higher ACLs may provide opportunity for commercial and recreational fishermen to expand their harvest providing social benefits associated with increased income to fishing businesses within the community and higher trip satisfaction. Among the action alternatives, **Alternative 2** would be the most beneficial for fishermen, followed by **Preferred Alternative 3**, **Alternative 4**, and **Alternative 5**.

## **Action 2. Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.**

**Note:** The revised total annual catch limit in Alternatives 1 (No Action) through 5 reflect **Preferred Alternative 3 in Action 1**. The revised total annual catch limit includes recreational landings from the Marine Recreational Information Program using the Fishing Effort Survey method where appropriate, as well as updates to commercial and for-hire landings used in the latest assessment (SEDAR 38 Update 2020).

**South Atlantic and Gulf Council Preferred Alternative 1 (No Action).** Retain the current recreational sector and commercial sector allocations of 62.9% and 37.1%, respectively, of the revised total annual catch limit for Atlantic migratory group king mackerel. Apply these percentages to the revised total annual catch limit.

**Alternative 2.** Allocate 77.3% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector and 22.7% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. This allocation is based on approximately maintaining the current commercial annual catch limit beginning in the 2026/2027 fishing season and allocating the remaining revised total annual catch limit that is inclusive of Marine Recreational Information Program Fishery Effort Survey estimates to the recreational sector.

**Alternative 3.** Allocate 68.9% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector and 31.1% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. This allocation is based on average landings for Atlantic king mackerel for the years 2014 – 2019, inclusive of Marine Recreational Information Program Fishery Effort Survey estimates.

### **Discussion:**

- The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer FES method, the Council may want to consider revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector.
  - Current sector allocations for king mackerel were established in Amendment 1 to the CMP FMP (1985). Catch was allocated based on the largest number of years, beginning in 1979 using the average percent distribution of catch between commercial and recreational fishermen, resulting in the current allocation of 37.1% to the commercial sector and 62.9% to the recreational sector.
- There were changes to the commercial trip limits over the last few years that may bias more recent landing streams.
  - Neither the commercial nor the recreational sector has reached their ACL, resulting in a closure, since the 1997/1998 fishing year. However, prior to the implementation of Amendment 26, the east coast of Florida from the Volusia/Flagler County boundary to the Miami-Dade/Monroe County boundary (east coast subzone) was considered part of the Gulf migratory group king

mackerel. When the east coast of Florida (east coast subzone) was considered part of the Gulf migratory group king mackerel, it did experience early closures during the 2007/2008, 2008/2009, 2009/2010, 2010/2011, and 2011/2012 seasons.

**Table 3.** Current and proposed Atlantic king mackerel sector allocations for Alternatives 2-6.

Action 2 (Allocations)	Commercial Allocation	Recreational Allocation	Calculation
<b>Preferred Alternative 1 (No Action)</b>	<b>37.1%</b>	<b>62.9%</b>	<b>Council rationale based on past management success and maintaining the historic makeup of the fishery.</b>
<b>Alternative 2</b>	22.7%	77.3	Maintains current commercial ACL beginning in 2026/2017 season and allocates the remainder to the recreational sector
Alternative 3	31.1%	68.9%	Average landings 2014-2019

<sup>1</sup>The percentages for Alternative 3 reflect **Preferred Alternative 3 in Action 1** in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the FES method, as well as updates to commercial and for-hire landings.

**Table 4.** Current and revised sector ACLs (lbs) for Atlantic king mackerel based on the revised total ACL from Alternative 2 in Action 1.

Fishing Year	Alternative 1 (No Action)		Recreational (62.9%)	Alternative 2		Recreational (77.3%)	Alternative 3		Recreational (68.9%)
	Commercial (37.1%)			Commercial (22.7%)			Commercial (31.1%)		
	Northern	Southern	Northern	Southern	Northern	Southern			
2022/23	2,704,109	9,032,476	19,898,415	1,654,536	5,526,609	24,453,855	2,266,787	7,571,698	21,796,515
2023/24	2,314,328	7,730,497	17,030,175	1,416,044	4,729,981	20,928,975	1,940,043	6,480,282	18,654,675
2024/25	2,062,594	6,889,636	15,177,770	1,262,018	4,215,492	18,652,490	1,729,021	5,775,409	16,625,570
2025/26	1,892,064	6,320,021	13,922,915	1,157,678	3,866,967	17,110,355	1,586,070	5,297,915	15,251,015
2026/27+	1,770,258	5,913,152	13,026,590	1,083,150	3,618,020	16,008,830	1,483,963	4,956,847	14,269,190

**Note:** The revised total ACL in Alternatives 1 (No Action) through 6 reflect **Preferred Alternative 3 in Action 1** in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

## Environmental Consequences:

### Biological Effects

- Biological effects to the stock are not expected to vary between **Preferred Alternative 1 (No Action)**, **Alternative 2**, and **Alternative 3**, since they do not change the total ACL specified in **Action 1**.
  - Based on the new MRIP FES recreational landings, none of the proposed recreational ACLs are expected to be exceeded. An average of the last five years (2015/2016 through 2019/2020) of MRIP FES fishing year landings are 5,145,513 lbs, and the maximum MRIP FES landings was 7,053,331 lb. These totals are both below the lowest recreational ACLs proposed in Action 2. .
  - Based on commercial fishing year landings for the last five years (2015/2016 through 2019/2020), none of the proposed commercial expected to be exceeded.

An average of the last five years of commercial landings is 2,385,128 lbs and the maximum commercial landings was 2,971,512 lbs.

#### Economic Effects

- The potential revised sector ACLs for Atlantic king mackerel in **Preferred Alternative 1(No Action)** through **Alternative 3** are all higher than the observed landings in recent years and thus the sector ACLs are not constraining on harvest or fishing activity. As such, no direct economic effects are anticipated from **Preferred Alternative 1(No Action)** through **Alternative 3** in the short-term.

#### Social Effects

- **Preferred Alternative 1 (No Action)** would maintain the current allocation percentages and may have few social effects as both sectors would see an increase in available poundage.
  - With **Alternative 2**, and **Alternative 3** there would be a decrease in the commercial percentage compared to **Alternative 1 (No Action)**, which could have some negative social effects if commercial fishermen have a negative perception of this change due to the decrease in fishing opportunity and concerns about long-term social effects, especially if other actions further decreased harvest opportunities.

### **Action 3. Revise the recreational annual catch target for Atlantic migratory group king mackerel.**

**Purpose of Action:** update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

**Note:** The revised recreational annual catch target in Alternatives 1 (No Action) through 3 reflect **Preferred Alternative 3 in Action 1** and **Preferred Alternative 1 (No Action) in Action 2**. The revised annual catch limit includes recreational landings from the Marine Recreational Information Program using the Fishing Effort Survey method where appropriate, as well as updates to commercial and for-hire landings used in the latest assessment (SEDAR 38 Update 2020).

**Alternative 1 (No Action).** Retain the current recreational annual catch target for Atlantic migratory group king mackerel. The recreational annual catch target equals the sector annual catch limit [(1-Percent Standard Error) or 0.5, whichever is greater] based on the previous acceptable biological catch (Annual Catch Target = 7,400,000 pounds).

**South Atlantic and Gulf Council Preferred Alternative 2.** Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals the sector annual catch limit [(1-Percent Standard Error) or 0.5, whichever is greater].

**Alternative 3.** Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals 90% sector annual catch limit.

**Alternative 4.** Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals 85% sector annual catch limit.

#### **Discussion:**

- The recreational ACT is currently codified and utilized in the post-season recreational accountability measure for Atlantic king mackerel and needs to be updated based on the SEDAR 38 Update.
- Current Accountability Measure
  - If the recreational landings exceed the recreational ACL and the sum of the commercial and recreational landings, exceeds the stock ACL, reduce the bag limit for the following fishing year by the amount necessary to ensure landings achieve the recreational ACT, but do not exceed the recreational ACL.
  - If the sum of the commercial and recreational landings exceeds the stock ACL and Atlantic king mackerel are overfished, reduce the recreational ACL and ACT for that following year by the amount of any overage in the prior fishing year.
- The current recreational ACT is based on adjusting the ACL by 50% or one minus the five-year average proportional standard error (PSE) from the recreational sector, whichever is greater, as established in Amendment 18 to the CMP FMP.

**Table 5.** Proportional Standard Errors (PSEs) for Atlantic king mackerel from weight estimates for all modes.

Fishing Year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	5-Year Average
PSE Value	15.0	15.1	12.6	12.8	12.9	13.7

**Table 6.** Proposed recreational annual catch targets for Atlantic migratory group king mackerel.

Fishing Year	Recreational ACL	Recreational ACT			
		Alternative 1 (No Action)	Alternative 2 <sup>1</sup>	Alternative 3	Alternative 4
2021/2022	19,898,415	Not BSIA, not a viable alternative.	17,172,332	17,908,574	16,913,653
2022/2023	17,030,175		14,697,041	15,327,158	14,475,649
2023/2024	15,177,770		13,098,416	13,659,993	12,901,105
2024/2025	13,922,915		12,015,476	12,530,624	11,834,478
2025/2026+	13,026,590		11,241,947	11,723,931	11,072,602

<sup>1</sup>The five-year average PSE for the recreational data was 0.137. The resulting recreational ACT would be equal to the recreational ACL multiplied by (1-0.137), or 0.863, setting the recreational ACT at 86.3% of the recreational ACL.

Note: The revised total ACTs reflect **Preferred Alternative 3 in Action 1** and **Preferred Alternative 2 in Action 2** in Amendment 34 to the CMP FMP and Atlantic Region.

## Environmental Consequences:

### Biological Effects

- Revising Atlantic king mackerel recreational ACTs as proposed in **Preferred Alternative 2, Alternative 3, and Alternative 4** would not be expected to result in negative biological impacts to the stock since overall catch would be constrained to the recreational ACTs and sector ACLs, AMs would prevent the ACL and OFL from being exceeded.
- Alternatives 3 and 4** would have a greater long-term positive biological effect to the stock than **Preferred Alternative 2** because they would create a larger buffer between the recreational ACT and sector ACL.

### Economic Effects

- Restricting harvest to the ACT may have indirect economic effects. The more that harvest must be restricted, the greater the loss in consumer surplus (CS) received from such harvest and thus negative economic effects. Under this notion, the lower the ACT, the greater potential for short-term negative economic effects. **Alternative 1 (No Action)** would have the greatest potential for short-term negative economic effects, however, it would not be based on the BSIA. This alternative would be followed by **Alternative 4, Preferred Alternative 2, and Alternative 3.**

### Social Effects

- Reductions in harvest thresholds may have potential negative social effects, which can range from changes in fishing behavior to other social disruptions that go beyond impacts to the fishery and may extend to the community or region.

- There would be long-term social benefits for fishermen, communities, and the public by preventing overfishing through an ACT for a stock that has potential to exceed the ACL.
- **Alternative 1 (No Action)** would have the greatest potential for short-term negative social effects however, it would not be based on the BSIA, followed by **Alternative 4**, **Preferred Alternative 2**, and **Alternative 3**.



**Action 4. Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.**

**Purpose of Action:** included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to create consistency in the recreational bag limit throughout the king mackerel management jurisdiction.

**Alternative 1 (No Action).** The daily bag limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida is two fish per person. The daily bag limit specified by Florida for its waters is two fish per person.

**South Atlantic and Gulf Council Preferred Alternative 2.** Increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person in the exclusive economic zone off Florida.

**Discussion:**

- The current bag limit for Atlantic king mackerel and Gulf king mackerel is three fish per person except for the east coast of Florida to the Miami-Dade/Monroe Count line where the bag limit is set to match the daily bag limit specified for Florida state waters (currently two fish per person).
  - Fishermen and Mackerel Cobia Advisory Panel (AP) members have requested to raise the east coast of Florida bag limit in federal waters to three fish per person to match the rest of the CMP FMP management area.
- Percent increase in landings was calculated with two different methods.
  - Method 1: assumes all the trips that met the 2-king mackerel bag limit would also meet the 3-king mackerel bag limit.
  - Method 2: isolated the trips that met the 2-king mackerel bag limit and allowed them to meet the 3-king mackerel bag limit if these trips also had discarded king mackerel.

**Table 7.** Percent increase in Atlantic king mackerel recreational landings generated from data for the years of 2017 to 2019.

Bag Limit	Method 1	Method 2
2 to 3 Fish in East Florida	14%	3%

**Environmental Consequences:**

Biological Effects

- Negative biological effects to the stock could occur if more fish are allowed to be retained; however, increasing the Atlantic king mackerel bag limit from two to three fish per person under **Preferred Alternative 2** is expected to have minor effects on overall harvest since the majority of anglers are currently only catching one fish per person.

- Additionally, in terms of the risk of overfishing, harvest is limited by the ACL, and AMs are in place to prevent overages, so biological effects from both alternatives are expected to be neutral.

#### Economic Effects

- Generally, angler satisfaction increases with the number of fish that can be harvested on a trip. As such, an increase in the bag limit would lead to higher angler satisfaction from a recreational trip, likely resulting in higher overall net economic benefits and **Preferred Alternative 2** would be expected to result in higher net economic benefits when compared to **Alternative 1 (No Action)**.

#### Social Effects

- In general, benefits to the recreational sector would result from harvest limits that do not result in restricted access to Atlantic king mackerel (i.e., because an AM is triggered) but still maintain harvest limits large enough to have minimal effect on recreational trip satisfaction.
- Increasing the recreational bag limit under **Preferred Alternative 2** would create consistency in recreational bag limit in federal waters throughout the Atlantic king mackerel management and would be expected to reduce confusion among fishermen and aid in compliance.

## **Action 5. Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel.**

**Purpose of Action:** included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel as a way to increase recreational harvest and reduce discards.

**Gulf Council Preferred Alternative 1 (No Action).** The minimum size limit for recreational harvest of Atlantic migratory group king mackerel is 24-inches fork length.

**South Atlantic Council Preferred Alternative 2.** Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel to 22-inches fork length.

**Alternative 3.** Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel to 20-inches fork length.

**Alternative 4.** Remove the minimum size limit for recreational harvest of Atlantic migratory group king mackerel.

### **Discussion:**

- In recent years, Atlantic king mackerel total landings have been well below the total ACL, fishing mortality rates are well below target, and the recent stock assessment suggests that the total ACL can be increased.
  - The South Atlantic Council could consider regulatory changes directed towards increasing commercial and recreational harvest.
    - Commercial trip limits were increased via CMP Framework Amendment 6 and CMP Framework Amendment 8.
- The AP has suggested revising the minimum size limit for Atlantic king mackerel to account for smaller king mackerel sometimes landed when targeting other species.
- For the recreational sector, the discarded Atlantic king mackerel length data from the FWC charter and headboat trips had the majority (about 44%) of the recreational discards at 23 inches fork length, and also has discarded lengths down to 22 (19% of discard lengths) and 20 inches fork length (17% of discard lengths). This suggests that there are Atlantic king mackerel being caught at the lengths below the current minimum size limit of 24 inches FL. Therefore, the decrease in the minimum size limit will likely result in an increase in recreational landings.

### **Environmental Consequences:**

#### Biological Effects

- Minimum size limits can cause increased regulatory discarding and, depending on depth of capture, may increase discard mortality. Currently, smaller Atlantic king mackerel that are caught under the current minimum size limit are often released as dead discards when targeting other species.

- Revising the minimum size limit under **SA Preferred Alternatives 2** or **Alternative 3**, or removing the minimum size limit under **Alternative 4**, may increase recreational or commercial landings if smaller fish are landed rather than discarded. Negative biological impacts to the stock can be expected since more fish can be landed under a reduced minimum size limit, but AMs would still be in place to prevent overfishing.

#### Economic Effects

- Reducing or removing the recreational minimum size limit for Atlantic king mackerel may increase harvest, which would provide positive direct economic effects for the recreational sector as long as there are no long-term negative effects for the stock. In general, the lower the size limit, the more that overall harvest will increase, thereby increasing net economic benefits, such as CS, incurred from such harvest.

#### Social Effects

- Reducing the minimum size limit (**SA Preferred Alternative 2** and **Alternative 3**) may result in positive social effects for Atlantic king mackerel fishermen by increasing the number of fish that can be retained, which may increase trip satisfaction. Positive effects of removing the minimum size limit (**Alternative 4**) would result from reduced discards. This would be expected to reduce waste for this portion of the coastal migratory pelagic fishery, improving the perception of management success.

## **Action 6. Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel.**

**Gulf Council Preferred Alternative 1 (No Action).** The minimum size limit for commercial harvest of Atlantic migratory group king mackerel is 24-inches fork length commercial fishermen may possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

**South Atlantic Preferred Alternative 2.** Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel to 22-inches fork length and remove the allowance for commercial fishermen to possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

**Alternative 3.** Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel to 20-inches fork length and remove the allowance for commercial fishermen to possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

**Alternative 4.** Remove the minimum size limit for commercial harvest of Atlantic migratory group king mackerel.

### **Discussion:**

- The AP has suggested revising the minimum size limit for Atlantic king mackerel to account for smaller king mackerel sometimes landed when targeting other species. However, commercial AP members expressed concerns from dealers that smaller king mackerel would result in more fish of lower value entering the market.
- For the commercial sector, the majority of the discarded fish were about 29 inches fork length (FL) suggesting a larger percentage of legal sized fish are discarded.<sup>1</sup>
- Commercial fishermen are currently allowed to possess undersized king mackerel in quantities that do not exceed five percent, by weight, of the king mackerel on board.

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<sup>1</sup>Length data on harvested and discarded king mackerel from the commercial sector were collected to explore a decrease in the minimum size limit. Atlantic king mackerel commercial sector harvest data came from the Southeast Fisheries Science Center (SEFSC) Trip Intercept Program (TIP), and sector discard data came from the SEFSC commercial observer program. The commercial observer program places observers on commercial trips and the observers record the length of discarded Atlantic king mackerel. The commercial observer program had a large sample size of discarded king mackerel (n = 24,853 fish), however, the observer program records Atlantic king mackerel discard lengths in 30 cm size bins (e.g. 30 to 60 cm fork length, 60 to 90 cm FL). These large size bins were converted to inches and this resulted in discard length data size bins with large 12-inch interval gaps. Due to the range of the bins, it is difficult to distinguish the exact Atlantic king mackerel lengths that were discarded.

## Environmental Consequences:

### Biological Effects

- Minimum size limits can cause increased regulatory discarding and, depending on depth of capture, may increase discard mortality. Currently, smaller Atlantic king mackerel that are caught under the current minimum size limit are often released as dead discards when targeting other species.
  - Release mortality rates of CMP species in the South Atlantic from the SEDAR 38 Update assessment (2020) range from 20-22 percent for the recreational sector and the commercial handline fishery. The commercial gillnet fishery has a release mortality rate of 100%. However, overall commercial discards appear to be very low relative to landed commercial catch.
  - Revising the minimum size limit under **SA Preferred Alternative 2** or **Alternative 3**, or removing the minimum size limit under **Alternative 4**, may increase commercial landings if smaller fish are landed rather than discarded. Negative biological impacts to the stock can be expected under since more fish can be landed under a reduced minimum size limit; however, allowing more fish to be harvested by reducing the size limit could decrease the number of fish that are discarded, which could be beneficial to the stock.

### Economic Effects

- Reducing or removing the commercial minimum size limit for Atlantic king mackerel under **SA Preferred Alternative 2**, **Alternative 3**, and **Alternative 4** may increase harvest since smaller fish that were previously discarded due to the current 24-inch minimum size limit (**Gulf Preferred Alternative 1 (No Action)**) could be landed. This would provide positive direct economic effects for the commercial sector provided there are no long-term negative effects for the stock from the increased harvest.

### Social Effects

- Reducing the minimum size limit (**SA Preferred Alternative 2** and **Alternative 3**) may result in positive social effects for Atlantic king mackerel fishermen by increasing the number of fish that can be retained, which may increase trip satisfaction. Positive effects of removing the minimum size limit (**Alternative 4**) would result from reduced discards. This would be expected to reduce waste for this portion of the coastal migratory pelagic fishery. However, smaller king mackerel may of lower value on the market which could reduce revenues received by commercial fishermen and dealers.

## **Action 7. Modify the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins in intact.**

**Purpose of Action:** included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to increase recreational harvest and address the increase in shark and barracuda depredation.

**Alternative 1 (No Action).** Cut-off (damaged) Atlantic migratory group king mackerel or Atlantic migratory group Spanish mackerel caught under the recreational bag limit may not be possessed.

**Alternative 2.** Cut-off (damaged) fish caught under the recreational bag limit, that comply with the minimum size limits, may be possessed, and offloaded ashore.

**Sub-alternative 2a.** Atlantic migratory group king mackerel

**Sub-alternative 2b.** Atlantic migratory group Spanish mackerel

### **Discussion:**

- Commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the South Atlantic Council considered a similar provision for the recreational sector.

### **Environmental Consequences:**

#### Biological Effects

- Allowing possession of damaged Atlantic king mackerel or Atlantic Spanish mackerel under **Sub-alternatives 2a** and **2b**, respectively, could be expected to minimally increase harvest, while reducing the number of discarded fish. However, since fish in such a state are expected to be dead discards, the biological effects to the stock from discards and fish removal are neutral.

#### Economic Effects

- Allowing possession of damaged Atlantic king mackerel or Spanish mackerel would increase harvest, which would provide positive direct economic effects for the recreational sector. Additionally, since fish in such a state do not survive release, there are no net effects for the stock.

#### Social Effects

- Commercial and recreational fishermen have reported increasing interactions with sharks or barracudas resulting in king and Spanish mackerel having their tails bitten off by before they can be landed. Allowing possession of damaged Atlantic king mackerel or Spanish mackerel would allow cut-fish not to be wasted which would provide positive social effects for the recreational sector.
  - Additionally, **Sub-alternative 2a** and **Sub-alternative 2b** directly addresses stakeholder concerns regarding damaged fish and may improve stakeholder perceptions of the management process.

# Opportunities to Provide Your Comments

## Public Hearings:

Staff presentation and Q&A followed by an opportunity to provide your comments on the record.  
All public hearings begin at 6pm EST - Registration Required

**November 15th** - <https://register.gotowebinar.com/register/1882212592778472972>

**November 16th** - <https://register.gotowebinar.com/register/8543261841543146764>

## Written Comments:

Comments online: Use our online public comment form, available [HERE](#).

*Note: The Council requests that written comments be submitted using the online comment form.*

Comments by mail: John Carmichael, Executive Director, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405

Comments by fax: 843/769-4520

Comments received by **5:00 PM on November 17, 2021**, will be included in the Public Hearing Overview under the Mackerel Cobia Committee for the December 2021 South Atlantic Fishery Management Council Meeting and included in the administrative record.

Comments received between November 17 and December 9, 2021, at 12:00 noon will still be available for the Council members and public to view on the Councils websites and included in the administrative record.

## Ways to Stay Connected with the South Atlantic Council



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